

PROCUREMENT POLICES AND REGULATIONS TASK FORCE

MEETING MINUTES

May 21, 2015 – 4:00 p.m.

5th Floor Council Conference Room, Council Office Building

Members Present

Tom Creamer
Eppie Hankins
Buddy Henley
Linda Moore
David Robbins, Chair

Members Absent

Wayne Cobb
Daniel Parra

County Staff Present:

Alvin Boss, Office of Business Relations and Compliance
Grace Denno, Office of Business Relations and Compliance
Richard Melnick, County Attorney's Office
Linda Price, County Council
Mary Anne Paradise, County Council

I. Call to Order and Approval of Minutes

The meeting was called to order at 4:14 p.m. with a quorum of members present. The minutes of the May 7, 2015, meeting were unanimously approved by all Task Force members present.

II. Presentation from Office of Business Relations and Compliance

Ms. Denno said the Office is responsible to ensure that compliance laws and regulations are followed during the procurement process. She presented an overview of the procurement process, and efforts undertaken to increase utilization of companies registered in the Local Small Business Reserve (LSBRP) or Minority, Female and Disabled Persons (MFD) program. The County has approximately 400 contracts under the Living Wage Law program, mostly service contracts. Contracts under the Prevailing Wage Law program must report to the Office every pay period, and Ms. Denno noted that prevailing wages are posted on the State's website.

Mr. Boss, MFD Program Specialist, said the County can do better with respect to improving utilization of MFD companies, and that more education is needed, both internally and externally, to improve the process. He works with prime contractors to ensure good faith accountability. Mr. Boss expressed the view that set asides should be established and incentives should be provided to reach goals.

Ms. Denno indicated businesses have expressed the view that the County procurement process should be less onerous than the Federal government's process. The amount of paperwork involved depends on the size of the contract. Contracts valued at over \$100,000 are formal solicitations. She said there has not been any discussion concerning whether businesses would self-certify compliance with regulations, with a punishment for failure, or the County would verify compliance at the front end. Ms. Denno noted that the Office receives good support from the County Attorney's Office. Mr. Robbins noted

that some of the up-front checks are time consuming. He questioned the possibility of removing some of the checks from the front-end of the process, but have more self-certifying and penalizing businesses that have been dishonest. A question was posed on whether enforcement mechanisms are adequate.

Mr. Henley commented that small subcontracting companies get discouraged from participating because of possible fines, and that many do not understand the procurement process and the paperwork involved. Ms. Denno pointed out that penalties for noncompliance apply only to prime contractors, and it is up to them how to assist their subcontractors. Mr. Melnick said enforcement efforts concerning violations are complaint driven. Mr. Henley also asked if MFD forms were entirely a paper process. The Department will soon be piloting a PRISM software to automate part of this process.

Mr. Boss commented that it is important for MFD companies to be certified, that it establishes them as at least 51% minority owned and that services are verified. It is up to the prime vendor to determine their liability, and that minority vendors will have access to prime vendors. He noted that the County needs stronger rules and regulations around the program and noted that reporting is very critical to the program.

Regarding small, informal solicitations, Ms. Denno said all are posted on the County's website, and that those below \$10,000 are not subject to the procurement process. Vendors need to know about these solicitations and available resources to provide assistance.

Ms. Moore asked about Bill 40-14 Apprenticeship Training's impact on small business. According to Ms. Denno there are 330 State apprenticeship programs. She does not believe the 25 cent fee will necessarily burden businesses. The charge comes out of employee pay and not the business owners. The Department of Labor aspect of this bill still needs to be worked out with the Council.

III. Task Force Survey Review and Worksession

The members reviewed the draft survey and made a few edits to the survey. The Task Force agreed that the survey should be made available on the website as soon as possible. A press release will be issued when the survey is ready and businesses will be encouraged to participate. Survey responses will be collected through July.

The Task Force agreed not to hold a meeting on June 4, but will meet next on June 18. Members should report back via email who they shared the survey with.

The meeting adjourned at 6:04 p.m.